

House Study Bill 642

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to elections and voter registration by
2 implementing requirements of federal law, adjusting language
3 to reflect current practice, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TL5B 5251DP 80
7 sc/pj/5

PAG LIN

1 1 Section 1. Section 47.1, Code Supplement 2003, is amended
1 2 by adding the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
1 4 adopt rules pursuant to chapter 17A, for the implementation of
1 5 uniform and nondiscriminatory administrative complaint
1 6 procedures for resolution of grievances relating to violations
1 7 of Title III of Pub. L. No. 107=252. In complaint proceedings
1 8 in which all of the respondents are local election officials,
1 9 the presiding officer shall be the state commissioner of
1 10 elections. In complaint proceedings in which one of the
1 11 respondents is the state commissioner of elections, the
1 12 presiding officer shall be a panel consisting of all members
1 13 of the state voter registration commission appointed pursuant
1 14 to section 47.8, except the state commissioner of elections or
1 15 the state commissioner's designee.
1 16 Sec. 2. Section 47.7, subsections 2, 3, and 4, Code
1 17 Supplement 2003, are amended by striking the subsections and
1 18 inserting in lieu thereof the following:
1 19 2. a. On or before January 1, 2006, the state registrar
1 20 of voters shall implement in a uniform and nondiscriminatory
1 21 manner, a single, uniform, official, centralized, interactive
1 22 computerized statewide voter registration file defined,
1 23 maintained, and administered at the state level that contains
1 24 the name and registration information of every legally
1 25 registered voter in the state and assigns a unique identifier
1 26 to each legally registered voter in the state. The state
1 27 voter registration system shall be coordinated with other
1 28 agency databases within the state, including, but not limited
1 29 to, the department of transportation driver's license records,
1 30 judicial records of convicted felons and persons declared
1 31 incompetent to vote, and department of public health records
1 32 of deceased persons.
1 33 b. On or after January 1, 2006, a county shall not
1 34 establish or maintain a voter registration system separate
1 35 from the state voter registration system. Each county shall
2 1 provide to the state registrar the names, voter registration
2 2 information, and voting history of each registered voter in
2 3 the county in the form required by the state registrar.
2 4 c. A state or local election official may obtain immediate
2 5 electronic access to the information contained in the
2 6 computerized voter registration file. All voter registration
2 7 information obtained by a local election official shall be
2 8 electronically entered into the computerized voter
2 9 registration file on an expedited basis at the time the
2 10 information is provided to the local election official. The
2 11 state registrar shall provide such support as may be required
2 12 to enable local election officials to electronically enter the
2 13 information into the computerized voter registration file on
2 14 an expedited basis. The list generated from the computerized
2 15 file shall serve as the official voter registration list for
2 16 the conduct of all elections for federal office in the state.
2 17 d. The state registrar shall prescribe by rule the
2 18 procedures for access to the state voter registration file,
2 19 security requirements, and access protocols for adding,
2 20 changing, or deleting information from the state voter
2 21 registration file.

2 22 Sec. 3. Section 47.8, Code Supplement 2003, is amended by
2 23 adding the following new subsection:

2 24 NEW SUBSECTION. 5. In complaint proceedings held pursuant
2 25 to section 47.1 in which one of the respondents is the state
2 26 commissioner of elections, the presiding officer shall be a
2 27 panel consisting of all members of the state voter
2 28 registration commission, except the state commissioner of
2 29 elections or the state commissioner's designee.

2 30 Sec. 4. Section 48A.8, Code 2003, is amended to read as
2 31 follows:

2 32 48A.8 REGISTRATION BY MAIL.

2 33 1. An eligible elector may register to vote by completing
2 34 a mail registration form. The form may be mailed or delivered
2 35 by the registrant or the registrant's designee to the
3 1 commissioner in the county where the person resides. A
3 2 separate registration form shall be signed by each individual
3 3 registrant.

3 4 2. An eligible elector who registers by mail and who has
3 5 not previously voted in an election for federal office in the
3 6 county of registration shall be required to provide
3 7 identification documents when voting for the first time in the
3 8 county, unless the registrant provided on the registration
3 9 form the registrant's Iowa driver's license number, or the
3 10 registrant's Iowa nonoperator's identification card number, or
3 11 the last four numerals of the registrant's social security
3 12 number and the driver's license, nonoperator's identification,
3 13 or partial social security number matches an existing state or
3 14 federal identification record with the same number, name, and
3 15 date of birth. If the registrant under this subsection votes
3 16 in person at the polls, or by absentee ballot at the
3 17 commissioner's office or at a satellite voting station, the
3 18 registrant shall provide a current and valid photo
3 19 identification card, or shall present to the appropriate
3 20 election official one of the following current documents that
3 21 shows the name and address of the registrant:

3 22 a. Utility bill.

3 23 b. Bank statement.

3 24 c. Paycheck.

3 25 d. Government check.

3 26 e. Other government document.

3 27 3. If the registrant under subsection 2 votes an absentee
3 28 ballot by mail, the registrant shall provide a photocopy of
3 29 one of the documents listed in subsection 2 when returning the
3 30 absentee ballot.

3 31 4. A registrant under subsection 2 who is required to
3 32 present identification when casting a ballot in person shall
3 33 be permitted to vote a provisional ballot if the voter does
3 34 not provide the required identification documents. If a voter
3 35 who is required to present identification when casting a
4 1 ballot votes an absentee ballot by mail, the ballot returned
4 2 by the voter shall be considered a provisional ballot pursuant
4 3 to sections 49.81 and 53.31.

4 4 Sec. 5. Section 48A.11, subsection 1, paragraph b, Code
4 5 2003, is amended to read as follows:

4 6 b. The registrant's name, including first name and any
4 7 family forename or surname.

4 8 Sec. 6. Section 48A.11, subsection 1, paragraph e, Code
4 9 2003, is amended by striking the paragraph and inserting in
4 10 lieu thereof the following:

4 11 e. Iowa driver's license number if the registrant has a
4 12 current and valid Iowa driver's license, Iowa nonoperator's
4 13 identification card if the registrant has a current and valid
4 14 Iowa nonoperator's identification card, or the last four
4 15 numerals of the registrant's social security number. If the
4 16 registrant does not have an Iowa driver's license number, an
4 17 nonoperator's identification card number, or a social security
4 18 number, the form shall provide space for a number to be
4 19 assigned as provided in subsection 7.

4 20 Sec. 7. Section 48A.11, subsection 1, paragraph f, Code
4 21 2003, is amended to read as follows:

4 22 f. Date of birth, including month, date, and year.

4 23 Sec. 8. Section 48A.11, Code 2003, is amended by adding
4 24 the following new subsection:

4 25 NEW SUBSECTION. 2A. The following questions and statement
4 26 regarding eligibility shall be included on forms that may be
4 27 used for registration by mail:

4 28 a. Are you a citizen of the United States of America?

4 29 b. Will you be eighteen years of age on or before election
4 30 day?

4 31 c. If you checked "no" in response to either of these
4 32 questions, do not complete this form.

4 33 Sec. 9. Section 48A.11, subsection 5, Code 2003, is
4 34 amended to read as follows:

4 35 5. All forms for voter registration shall be prescribed by
5 1 ~~rule adopted~~ by the state voter registration commission.

5 2 Sec. 10. Section 48A.11, Code 2003, is amended by adding
5 3 the following new subsection:

5 4 NEW SUBSECTION. 7. A voter registration application
5 5 lacking the registrant's name, sex, date of birth, or
5 6 residence address or description shall not be processed. A
5 7 voter registration application lacking the registrant's
5 8 driver's license number, Iowa nonoperator's identification
5 9 card number, or the last four digits of the registrant's
5 10 social security number shall not be processed. A registrant
5 11 whose registration is not processed pursuant to this
5 12 subsection shall be notified pursuant to section 48A.26,
5 13 subsection 3. A registrant who does not have an Iowa driver's
5 14 license number, an Iowa nonoperator's identification number,
5 15 or a social security number and who notifies the registrar of
5 16 such shall be assigned a unique identifying number that shall
5 17 serve to identify the registrant for voter registration
5 18 purposes.

5 19 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF VOTER
5 20 REGISTRATION INFORMATION.

5 21 Upon receipt of an application for voter registration by
5 22 mail, the state registrar of voters shall compare the driver's
5 23 license number, the Iowa nonoperator's identification card
5 24 number, or the last four numerals of the social security
5 25 number provided by the registrant with the records of the
5 26 state department of transportation. To be verified, the voter
5 27 registration record shall contain the same name, date of
5 28 birth, and driver's license or whole or partial social
5 29 security number as the records of the department of
5 30 transportation. If the information cannot be verified, the
5 31 application shall be rejected and the registrant shall be
5 32 notified of the reason for the rejection. If the information
5 33 can be verified, a record shall be made of the verification
5 34 and the application shall be accepted.

5 35 The voter registration commission shall adopt rules in
6 1 accordance with chapter 17A to provide procedures for
6 2 processing registration applications if the department of
6 3 transportation does not, before the close of registration for
6 4 an election for which the voter registration would be
6 5 effective, if verified, provide a report that the information
6 6 on the application has matched or not matched the records of
6 7 the department.

6 8 This section does not apply to persons entitled to register
6 9 to vote and to vote pursuant to section 48A.5, subsection 4.

6 10 Sec. 12. Section 48A.26, subsection 3, Code 2003, is
6 11 amended to read as follows:

6 12 3. If the registration form is missing required
6 13 information pursuant to section 48A.11, subsection 7, the
6 14 acknowledgment shall advise the applicant what additional
6 15 information is required. The commissioner shall enclose a new
6 16 registration by mail form for the applicant to use. If the
6 17 registration form has no address, the commissioner shall make
6 18 a reasonable effort to determine where the acknowledgment
6 19 should be sent. If the incomplete application is received
6 20 during the twelve days before the close of registration for an
6 21 election, the commissioner shall provide the registrant with
6 22 an opportunity to complete the form before the close of
6 23 registration.

6 24 Sec. 13. Section 48A.26, Code 2003, is amended by adding
6 25 the following new subsections:

6 26 NEW SUBSECTION. 3A. If the registrant applied by mail to
6 27 register to vote and did not answer either "yes" or "no" to
6 28 the question in section 48A.11, subsection 2A, paragraph "a",
6 29 the application shall be processed, but the registration shall
6 30 be designated as valid only for elections that do not include
6 31 candidates for federal offices on the ballot. The
6 32 acknowledgment shall advise the applicant that the status of
6 33 the registration is local and the reason for the registration
6 34 being assigned local status. The commissioner shall enclose a
6 35 new registration by mail form for the applicant to use. If
7 1 the original application is received during the twelve days
7 2 before the close of registration for an election that includes
7 3 candidates for federal offices on the ballot, the commissioner
7 4 shall provide the registrant with an opportunity to complete
7 5 the form before the close of registration.

7 6 NEW SUBSECTION. 3B. If the registrant applied by mail to
7 7 register to vote and answered "no" to the question in section
7 8 48A.11, subsection 2A, paragraph "a", the application shall

7 9 not be processed. The acknowledgement shall advise the
7 10 applicant that the registration has been rejected because the
7 11 applicant indicated on the registration form that the
7 12 applicant is not a citizen of the United States.

7 13 Sec. 14. Section 48A.28, subsection 2, unnumbered
7 14 paragraph 2, Code 2003, is amended to read as follows:

7 15 A commissioner participating in the national change of
7 16 address program, in the first quarter of each calendar year,
7 17 shall send a notice and preaddressed, postage paid return card
7 18 by forwardable mail to each registered voter whose name was
7 19 not reported by the national change of address program and who
7 20 has not voted; in two or more consecutive general elections
7 21 and has not registered again, or who has not reported a change
7 22 to an existing registration, or who has not responded to a
7 23 notice from the commissioner or registrar during the preceding
7 24 four calendar years period between and following the previous
7 25 two general elections. The form and language of the notice
7 26 and return card shall be specified by the state voter
7 27 registration commission by rule. A registered voter shall not
7 28 be sent a notice and return card under this subsection more
7 29 frequently than once in a four-year period.

7 30 Sec. 15. Section 48A.36, subsection 2, Code 2003, is
7 31 amended to read as follows:

7 32 2. Upon receipt of electronic registration data under
7 33 subsection 1, the state registrar of voters ~~may~~ shall cause
7 34 the updating of registration records ~~for registrants in~~

~~7 35 counties which have arranged for data processing services~~

~~8 1 under section 47.7, subsection 2.~~ The registrar shall notify
8 2 the appropriate commissioner of the actions taken.

8 3 Sec. 16. Section 48A.37, subsection 2, Code 2003, is
8 4 amended to read as follows:

8 5 2. Electronic records shall include a status code
8 6 designating whether the records are active, ~~or~~ inactive, local
8 7 or pending. Inactive records are records of registered voters
8 8 to whom notices have been sent pursuant to section 48A.28,
8 9 subsection 3, and who have not returned the card or otherwise
8 10 responded to the notice, and those records have been
8 11 designated inactive pursuant to section 48A.29. Local records
8 12 are records of applicants who did not answer "yes" or
8 13 "no" to the question in section 48A.11, subsection 2A,
8 14 paragraph "a". Pending records are records of applicants
8 15 whose applications have not been verified pursuant to section
8 16 48A.25A. All other records are active records. An inactive
8 17 record shall be made active when the registered voter votes at
8 18 an election, registers again, or reports a change of name,
8 19 address, telephone number, or political party affiliation. A
8 20 pending record shall be made active upon verification. A
8 21 local record shall be valid for any election for which no
8 22 candidates for federal office appear on the ballot, but the
8 23 registrant may not vote in a federal election unless the
8 24 registrant submits a new voter registration application before
8 25 election day indicating that the applicant is a citizen of the
8 26 United States.

8 27 Sec. 17. Section 48A.38, subsection 1, paragraph f, Code
8 28 2003, is amended to read as follows:

8 29 f. The county commissioner of registration and the state
8 30 registrar of voters shall remove a voter's social security
8 31 number, driver's license number, or Iowa nonoperator's
8 32 identification card number from a voter registration list
8 33 prepared pursuant to this section.

8 34 Sec. 18. Section 49.81, Code 2003, is amended to read as
8 35 follows:

9 1 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL
9 2 BALLOT.

9 3 1. A prospective voter who is prohibited under section
9 4 48A.8, subsection 4, section 49.77, subsection 4, or section
9 5 49.80 from voting except under this section shall be permitted
9 6 to notified by the appropriate precinct election official that
9 7 the voter may cast a paper provisional ballot. If a booth
9 8 meeting the requirement of section 49.25 is not available at
9 9 that polling place, the precinct election officials shall make
9 10 alternative arrangements to insure the challenged voter the
9 11 opportunity to vote in secret. The marked ballot, folded as
9 12 required by section 49.84, shall be delivered to a precinct
9 13 election official who shall immediately seal it in an envelope
9 14 of the type prescribed by subsection 4. The sealed envelope
9 15 shall be deposited in ~~a special an~~ an envelope marked "ballots
9 16 for special precinct" "provisional ballots" and shall be
9 17 considered as having been cast in the special precinct
9 18 established by section 53.20 for purposes of the postelection
9 19 canvass.

9 20 2. Each person who casts a ~~special~~ provisional ballot
9 21 under this section shall receive a printed statement in
9 22 substantially the following form:
9 23 Your qualifications as a registered voter have been
9 24 challenged for the following reasons:
9 25 I.
9 26 II.
9 27 III.
9 28 ... You must show identification before your ballot can be
9 29 counted. Please bring or mail a copy of a current and valid
9 30 photo identification card to the county commissioners office
9 31 or bring or mail a copy of one of the following current
9 32 documents that show your name and address:
9 33 a. Utility bill.
9 34 b. Bank statement.
9 35 c. Paycheck.
10 1 d. Government check.
10 2 e. Other government document.
10 3 PARAGRAPH DIVIDED. Your right to vote will be reviewed by
10 4 the special precinct counting board on You have the
10 5 right and are encouraged to make a written statement and
10 6 submit additional written evidence to this board supporting
10 7 your qualifications as a registered voter. This written
10 8 statement and evidence may be given to an election official of
10 9 this precinct on election day or mailed or delivered to the
10 10 county commissioner of elections, but must be received before
10 11 a.m./p.m. on at If your ballot is not
10 12 counted you will receive, by mail, notification of this fact
10 13 and the reason that the ballot was not counted.
10 14 3. Any elector may present written statements or
10 15 documents, supporting or opposing the counting of any ~~special~~
10 16 provisional ballot, to the precinct election officials on
10 17 election day, until the hour for closing the polls. Any
10 18 statements or documents so presented shall be delivered to the
10 19 commissioner when the election supplies are returned.
10 20 4. The individual envelopes used for each ~~paper~~
10 21 provisional ballot cast pursuant to subsection 1 shall have
10 22 printed on them ~~the format of the face of the registration~~
10 23 ~~form under section 48A.8 and the following:~~
10 24 I believe I am a registered voter of this precinct county
10 25 and I am eligible to vote in this election. I registered to
10 26 vote in county on or about at My name at
10 27 that time was I have not moved to a different county
10 28 since that time. I am a United States citizen, at least
10 29 eighteen years of age.
10 30
10 31 (signature of voter) (date)
10 32 The following information is to be provided by the precinct
10 33 election official:
10 34 Reason for challenge:
10 35
11 1
11 2 ... Did not present required identification form.
11 3
11 4 (signature of precinct
11 5 election official)
11 6 The precinct election official shall attach a completed
11 7 voter registration form from each provisional voter unless the
11 8 person's registration status is listed in the election
11 9 register as pending.
11 10 Sec. 19. Section 49.98, Code 2003, is amended to read as
11 11 follows:
11 12 49.98 COUNTING BALLOTS.
11 13 The ballots shall be counted according to the voters' marks
11 14 on them as provided in sections 49.92 to 49.97, and not
11 15 otherwise. If, for any reason, it is impossible to determine
11 16 from a ballot, as marked, the choice of the voter for any
11 17 office, the vote for that office shall not be counted. When
11 18 there is a conflict between a straight party or organization
11 19 vote for one political party or nonparty political
11 20 organization and the vote cast by marking the voting target
11 21 next to the name of a candidate for another political party or
11 22 nonparty political organization on the ballot, the mark next
11 23 to the name of the candidate shall be held to control, and the
11 24 straight party or organization vote in that case shall not
11 25 apply as to that office. ~~Any ballot shall be rejected if it~~
11 26 ~~is marked in any other manner than authorized in sections~~
11 27 ~~49.92 to 49.97.~~ A ballot shall be rejected if the voter used
11 28 a mark to identify the voter's ballot. For each voting
11 29 system, the state commissioner shall, by rule adopted pursuant
11 30 to chapter 17A, develop uniform definitions of what

11 31 constitutes a vote.

11 32 Sec. 20. Section 50.20, Code 2003, is amended to read as
11 33 follows:

11 34 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL BALLOTS.

11 35 The commissioner shall compile a list of the number of
12 1 ~~special~~ provisional ballots cast under section 49.81 in each
12 2 precinct. The list shall be made available to the public as
12 3 soon as possible, but in no case later than nine o'clock a.m.
12 4 on the second day following the election. Any elector may
12 5 examine the list during normal office hours, and may also
12 6 examine the affidavit envelopes bearing the ballots of
12 7 challenged electors until the reconvening of the special
12 8 precinct board as required by this chapter. Only those
12 9 persons so permitted by section 53.23, subsection 4, shall
12 10 have access to the affidavits while that board is in session.
12 11 Any elector may present written statements or documents,
12 12 supporting or opposing the counting of any special ballot, at
12 13 the commissioner's office until the reconvening of the special
12 14 precinct board.

12 15 Sec. 21. Section 50.21, unnumbered paragraph 2, Code 2003,
12 16 is amended to read as follows:

12 17 If no ~~special~~ provisional ballots were cast in the county
12 18 pursuant to section 49.81 at any election, the special
12 19 precinct election board need not be so reconvened. If the
12 20 number of ~~special~~ provisional ballots so cast at any election
12 21 is not sufficient to require reconvening of the entire
12 22 election board of the special precinct, the commissioner may
12 23 reconvene only the number of members required. If the number
12 24 of ~~special~~ provisional ballots cast at any election exceeds
12 25 the number of absentee ballots cast, the size of the special
12 26 precinct election board may be increased at the commissioner's
12 27 discretion. The commissioner shall observe the requirements
12 28 of sections 49.12 and 49.13 in making adjustments to the size
12 29 of the special precinct election board.

12 30 Sec. 22. Section 52.2, Code 2003, is amended to read as
12 31 follows:

12 32 52.2 PURCHASE.

12 33 The board of supervisors of ~~any a~~ county may, by a majority
12 34 vote, authorize, purchase, and order the use of ~~either~~ voting
12 35 machines or an electronic voting system in any one or more
13 1 voting precincts within ~~said the~~ county until otherwise
13 2 ordered by ~~said the~~ board of supervisors. Voting machines and
13 3 an electronic voting system may be used concurrently ~~at~~
~~13 4 different precincts within any county, but not at the same~~
13 5 precinct.

13 6 Sec. 23. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.

13 7 The state commissioner of elections shall provide
13 8 information regarding voter registration procedures and
13 9 absentee ballot procedures to be used by members of the armed
13 10 forces of the United States. The state commissioner shall
13 11 accept valid voter registration applications and absentee
13 12 ballot applications and shall forward the applications to the
13 13 appropriate county commissioner of elections in a timely
13 14 manner.

13 15 Sec. 24. Section 53.40, unnumbered paragraph 1, Code 2003,
13 16 is amended to read as follows:

13 17 A request in writing for a ballot may be made by any member
13 18 of the armed forces of the United States who is or will be a
13 19 qualified voter on the day of the election at which the ballot
13 20 is to be cast, at any time before the election. Any member of
13 21 the armed forces of the United States may request ballots for
13 22 all elections to be held ~~within a calendar year through the~~
~~13 23 next two general elections.~~ The request may be made by using
13 24 the federal postcard application form and indicating that the
13 25 applicant wishes to receive ballots for all elections as
13 26 permitted by state law. The county commissioner shall send
13 27 the applicant a ballot for each election held ~~during the~~
~~13 28 calendar year in which after the application is received and~~
~~13 29 through the next two general elections.~~ The commissioner
13 30 shall forward a copy of the absentee ballot request to other
13 31 commissioners who are responsible under section 47.2,
13 32 subsection 2, for conducting elections in which the applicant
13 33 is eligible to vote.

13 34 Sec. 25. Section 53.53, Code 2003, is amended by adding
13 35 the following new unnumbered paragraphs:

14 1 NEW UNNUMBERED PARAGRAPH. A federal write-in ballot
14 2 received by the state commissioner of elections shall be
14 3 forwarded immediately to the appropriate county commissioner.
14 4 However, if the state commissioner receives a federal write-in
14 5 ballot after election day and before noon on the Monday
14 6 following an election, the state commissioner shall at once

14 7 verify that the voter has complied with the requirements of
14 8 this section and that the voter's federal write-in ballot is
14 9 eligible to be counted. If the ballot is eligible to be
14 10 counted, the state commissioner shall notify the appropriate
14 11 county commissioner and make arrangements for the ballot to be
14 12 transmitted to the county for counting. If the ballot is not
14 13 eligible to be counted, the state commissioner shall mail the
14 14 ballot to the appropriate commissioner along with notification
14 15 that the ballot is ineligible to be counted. The county
14 16 commissioner shall keep the ballot with the other records of
14 17 the election.

14 18 NEW UNNUMBERED PARAGRAPH. The county commissioner shall
14 19 notify a voter when the voter's federal write-in ballot was
14 20 not counted and shall give the voter the reason the ballot was
14 21 not counted.

14 22 Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act, being deemed
14 23 of immediate importance, takes effect upon enactment.

14 24 EXPLANATION

14 25 This bill makes changes to the law relating to elections
14 26 and voter registration. The bill contains Code language
14 27 changes which, unless otherwise noted, are necessary to comply
14 28 with requirements of Public Law No. 107-252, the Help America
14 29 Vote Act of 2002.

14 30 Code section 47.1 is amended to require the state
14 31 commissioner of elections (secretary of state) to adopt, by
14 32 rule, administrative complaint procedures for resolution of
14 33 grievances relating to violations of those provisions of the
14 34 Help America Vote Act relating to uniform and
14 35 nondiscriminatory election technology and administration
15 1 requirements.

15 2 Code section 47.1 is also amended to designate the
15 3 presiding officer in complaint proceedings. A conforming
15 4 amendment is made to Code section 47.8.

15 5 Code section 47.7 is amended to require the state registrar
15 6 of voters (secretary of state), on or before January 1, 2006,
15 7 to implement a centralized, computerized statewide voter
15 8 registration system. The statewide system must be interactive
15 9 with other agency computer databases in the state. Code
15 10 section 48A.36 is amended to conform to this requirement.

15 11 Code section 48A.8 is amended to provide that an eligible
15 12 elector who registers by mail and who has not previously voted
15 13 in an election for federal office in the county of
15 14 registration shall be required to present identification when
15 15 voting for the first time unless the voter provided the
15 16 voter's Iowa driver's license number, or the voter's Iowa
15 17 nonoperator's identification card number, or the last four
15 18 numerals of the voter's social security number on the
15 19 registration form and those numbers were subsequently
15 20 verified. If the voter votes an absentee ballot by mail, the
15 21 voter is required to include a photocopy of one of the
15 22 optional forms of identification with the ballot. If the
15 23 required identification is not provided, the voter will be
15 24 allowed to vote a provisional ballot or, if voting an absentee
15 25 ballot by mail, the absentee ballot shall be considered a
15 26 provisional ballot.

15 27 Code section 48A.11, relating to information required when
15 28 registering to vote, is amended to require that the first name
15 29 and any family forename or surname be included when providing
15 30 the registrant's name. That section is also amended to
15 31 require that the registrant provide the registrant's Iowa
15 32 driver's license number or Iowa nonoperator's identification
15 33 card number or, if not available, the last four numerals of
15 34 the registrant's social security number. If the registrant
15 35 does not have an Iowa driver's license, Iowa nonoperator's
16 1 identification card, or social security number, the registrar
16 2 is to assign the registrant an identification number for voter
16 3 registration purposes. Code section 48A.11 is amended to
16 4 specify that the requirement for the registrant's date of
16 5 birth includes the month, date, and year of birth.

16 6 Code section 48A.11 is amended to require that the mail
16 7 voter registration form ask the registrant if the registrant
16 8 is a citizen of the United States and if the registrant will
16 9 be 18 years old on or before election day. The form shall
16 10 contain a statement that if the registrant answered "no" to
16 11 either of those questions, the registrant is not to complete
16 12 the registration form. The Code section is amended to add a
16 13 new subsection providing that if certain required information
16 14 is not provided on the registration form, the form shall not
16 15 be processed and the registrar shall mail an acknowledgment to
16 16 the registrant notifying the registrant that the registration
16 17 could not be processed.

16 18 The amendment to Code section 48A.11, striking the
16 19 requirement that the state voter registration commission
16 20 prescribe voter registration forms by rule, is not required by
16 21 the Help America Vote Act.

16 22 New Code section 48A.25A requires the state registrar of
16 23 voters to verify the registrant's driver's license number,
16 24 nonoperator's identification card number, or the last four
16 25 digits of the registrant's social security number. If the
16 26 number provided cannot be verified, the state registrar shall
16 27 reject the registration application and the registrant shall
16 28 be notified. If the information can be verified, the
16 29 registrar is to make a record of the verification. The
16 30 section is also amended to require the voter registration
16 31 commission to adopt rules to provide procedures for processing
16 32 registration applications in certain circumstances. The bill
16 33 provides that new Code section 48A.25A does not apply to
16 34 registrants living outside the United States.

16 35 Code section 48A.26, is amended to provide that if a voter
17 1 registration form lacking required information is received
17 2 during the 12 days before the close of registration, the
17 3 commissioner shall provide the registrant with an opportunity
17 4 to complete the form before the close of registration. The
17 5 Code section is also amended to provide that registrants whose
17 6 registration status is local shall be notified of such status,
17 7 and provided an opportunity to submit another registration
17 8 before the close of registration for elections with federal
17 9 offices on the ballot. Finally, Code section 48A.26 is
17 10 amended to provide that if a registrant applied by mail to
17 11 register to vote and answered "no" to the question relating to
17 12 United States citizenship, the application shall not be
17 13 processed and the acknowledgement shall inform the applicant
17 14 why the application was not processed.

17 15 Code section 48A.28 is amended to change the time period
17 16 from four consecutive calendar years to two or more
17 17 consecutive general elections under which a commissioner
17 18 participating in the national change of address program is to
17 19 notify a registered voter if the voter has not voted after
17 20 registering or if the voter has not responded to a prior
17 21 notice mailed by the commissioner.

17 22 Code section 48A.37 is amended to add voter registration
17 23 status codes of "local" and "pending" to describe those
17 24 registrations by mail that did not answer the question of
17 25 United States citizenship or who provide incomplete
17 26 information on the voter registration form, respectively.

17 27 Code section 48A.38 is amended to require that a voter's
17 28 driver's license number or Iowa nonoperator's identification
17 29 card number be removed from a voter registration list prepared
17 30 at the request of any person. Current law requires that the
17 31 voter's social security number be removed.

17 32 Code sections 49.81, 50.20, and 50.21 are amended to change
17 33 the term "special ballot" to "provisional ballot" which is the
17 34 term used in the Help America Vote Act for a ballot cast by a
17 35 challenged voter. Code section 49.81 is also amended to
18 1 provide that when a challenged voter's ballot is not counted
18 2 the commissioner, when notifying the voter, shall notify the
18 3 voter by mail and shall inform the voter why the ballot was
18 4 not counted. The section is also amended to provide
18 5 notification to the voter pertaining to identification
18 6 requirements.

18 7 Code section 49.98, relating to counting ballots, is
18 8 amended to require the state commissioner of elections to
18 9 adopt rules providing uniform definitions of what constitutes
18 10 a vote.

18 11 Code section 52.2, relating to the purchase of voting
18 12 machines or electronic voting systems, is amended to allow
18 13 voting machines and electronic voting systems to be used
18 14 concurrently at the same precinct.

18 15 New Code section 53.37A requires the state commissioner of
18 16 elections to provide information to members of the armed
18 17 forces of the United States on voter registration and absentee
18 18 ballot procedures. The section also requires the state
18 19 commissioner to accept voter registration applications and
18 20 absentee ballot applications from members of the armed forces
18 21 and to forward the applications to the appropriate county
18 22 commissioner of elections.

18 23 Code section 53.40 is amended to extend the time period
18 24 during which a commissioner is to mail absentee ballots to a
18 25 member of the armed forces after receiving the member's
18 26 initial application for an absentee ballot. The time period
18 27 is extended from one calendar year after receipt of the
18 28 application to the next two general elections after receipt of

18 29 the application.

18 30 Code section 53.53 is amended to provide that when the
18 31 state commissioner receives a federal write-in ballot, the
18 32 commissioner is to immediately forward it to the appropriate
18 33 county commissioner of elections. If the ballot is received
18 34 after election day but before noon on the Monday following the
18 35 election, the state commissioner, rather than the county
19 1 commissioner, is to verify that the ballot is eligible to be
19 2 counted and shall notify the appropriate county commissioner
19 3 and transmit the ballot. If the ballot is not to be counted,
19 4 the county commissioner is required to notify the voter and
19 5 give the reason why the ballot was not counted.

19 6 The bill takes effect upon enactment.

19 7 LSB 5251DP 80

19 8 sc/pj/5.1